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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOSHUA GERSTEIN,
Plaintiff,

v.

CENTRAL INTELLIGENCE AGENCY,
et al.,
Defendants.

Case No. 06-04643 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER DISMISSING CERTAIN
PENDING CLAIMS; ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE**

The parties hereby stipulate and request as follows:

1. By Order dated September 26, 2008, the Court issued a Memorandum Opinion and Order with respect to defendants' motion for partial summary judgment, plaintiff's motion for partial summary judgment, plaintiff's motion for more definite statement, and plaintiff's motion for in camera review and limited discovery. The motions pending before the Court, which were

Stip. and ~~Proposed~~ Order Dismissing Certain Pending Claims

Case No. C 06-04643 MMC

1 resolved (with two exceptions) by the September 26 Order, related to non-case specific records
2 that the government had withheld in response to plaintiff's requests for documents regarding leak
3 investigations under the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

4 2. By stipulation and Order (docket #s 40, 41), the parties agreed to address issues
5 relating to case specific documents withheld as exempt in response to plaintiff's FOIA requests
6 after the Court addressed the non-case specific documents.

7 3. On September 30, 2008, the Court scheduled a Status Conference on October 17, 2008
8 and ordered the parties to submit a Joint Status Report by October 10, 2008 (docket # 100).

9 4. In lieu of a Joint Status Report, the parties submit the instant Stipulation Dismissing
10 Certain Pending Claims.

11 5. The parties hereby stipulate to dismiss, with prejudice, plaintiff's claims relating to
12 case-specific documents withheld in response to his FOIA requests pertaining to leak
13 investigations.

14 6. As a result of the dismissal of the case-specific claims, the only issues remaining in
15 this case are those set forth in the September 26 Order.

16 IT IS SO STIPULATED.

17 Respectfully submitted,

18 JOSHUA GERSTEIN

GREGORY A. KATSAS
Assistant Attorney General

19 /s/

/s/

20
21 Plaintiff

Carlotta P. Wells
Senior Trial Counsel
United States Department of Justice
Civil Division
Federal Programs Branch

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23
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25 Dated: October 10, 2008

Dated: October 10, 2008

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27 Stip. and ~~Proposed~~ Order Dismissing Certain Pending Claims


28 Case No. C 06-04643 MMC

~~PROPOSED~~ ORDER

Upon the stipulation of the parties and good cause appearing, plaintiff's claims relating to case-specific documents withheld in response to his FOIA requests pertaining to leak investigations are dismissed, with prejudice. As a result of the dismissal of the case-specific claims, the only issues remaining in this case are those set forth in the September 26, 2008 Order.

IT IS SO ORDERED. Further, the Case Management Conference is continued to March 6, 2009.

Dated: October 14, 2008


MAXINE C. CHESNEY
United States District Judge